

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**ROBERT O'SHEA, CHAIRMAN OF THE  
WARD 6 DEMOCRATIC COMMITTEE,  
ET AL,**

**Plaintiffs,**

**v.**

**BOSTON CITY COUNCIL  
Defendant.**

**C.A. No.**

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§1331, 1441 and 1446, defendant the Boston City Council (the “City Council”), files this Notice of Removal of the above-captioned case from the Superior Court Department of the Trial Court of the Commonwealth of Massachusetts, Suffolk County, to the United States District Court for the District of Massachusetts. In support of this notice of removal, the City states as follows:

**CASE BACKGROUND AND GROUNDS FOR REMOVAL**

1. On November 2, 2022, plaintiffs Robert O’Shea, Rita Dixon, Shirley Shillingford, Maureen Feeney, Phyllis Corbitt, The South Boston Citizens Association, Martin F. McDonough American Legion Post, St. Vincent’s Lower End Neighborhood Association, and Old Colony Tenant Association, (collectively the “Plaintiffs”) commenced a civil action in the Suffolk Superior Court against the City Council, styled *Robert O'Shea, Chairman of the Boston Ward 6 Democratic Committee in South Boston et al vs. Boston City Council*, Civil Action. No. 2284CV02490 (the “State Court Action”). Plaintiff’s complaint asserts three (3) counts against the City Council. The initial Complaint referenced the Massachusetts Open Meeting Law and sought a temporary restraining order and preliminary injunction but contained no federal causes of action.

2 On November 21, 2022, Plaintiffs filed an Amended Complaint. Plaintiffs' Amended Complaint asserts counts against the City Council. Count II for alleged violations of the Voting Rights Act of 1965 and Count II for violations of the Fourteenth Amendment.

3 As required by 28 U.S.C. §1446(a), attached as **Exhibit A** are copies of all process, pleadings and orders served upon the City in the State Court Action. The Notice of Removal is timely as the Plaintiff's Amended Complaint, which raises a federal question for the first time, was filed on November 21, 2022. This Notice of Removal was filed prior to the expiration of 30 days from the date the City Council received a copy of the Amended Complaint containing the federal claims. See 28 U.S.C. §1446(b)(3); *Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344 (1999).

4 This Court has federal question subject matter jurisdiction over this matter pursuant to 28 U.S.C. § 1331 as the civil action arises under Title 52 of the United States Code and United States Constitution.

5 Venue is proper in this Court pursuant to 28 U.S.C.A. §1441(a) because the State Court Action is pending in Massachusetts.

6 This Notice of Removal has been served on Plaintiff's counsel. A Notice of Filing of Notice of Removal (attached as **Exhibit B**) will be filed in the Suffolk Superior Court upon filing of this Notice of Removal.

**WHEREFORE**, the City hereby removes the above-captioned case from the Superior Court Department of the Trial Court for the Commonwealth of Massachusetts (Suffolk) and requests that further proceedings be conducted in this Court as provided by law.

Date: December 2, 2022

Respectfully submitted,

**BOSTON CITY COUNCIL**

By its attorneys:

ADAM CEDERBAUM  
Corporation Counsel

/s/ Samantha Fuchs  
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**Certificate of Service**

I, Samantha Fuchs hereby certify that on December 2, 2022, a true and correct copy of this document filed through the ECF system will be sent by email to counsel for the plaintiff, Paul Gannon.

/s/ Samantha Fuchs  
Samantha Fuchs